

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DAMONIE EARL, LINDA RUGG, ALESA
BECK, TIMOTHY BLAKEY, JR.,
STEPHANIE BLAKEY, MARISA
THOMPSON, MUHAMMAD MUDDASIR
KHAN, ELIZABETH COOPER, JOHN
ROGERS, VALERIE MORTZ-ROGERS, and
LAKESHA GOGGINS, each individually and
on behalf of all others similarly situated,

Plaintiffs.

v.

THE BOEING COMPANY,
SOUTHWEST AIRLINES CO.,

Defendants.

Civil Action No. 4:19-cv-00507

**PLAINTIFFS' OPPOSITION TO DAVID HECHT'S
REQUEST TO VACATE THE COURT'S JUNE 1, 2020 HEARING**

On May 28, 2020, David Hecht, an attorney of unclear affiliation who has been accused of materially misleading the Court in this matter, filed a “request that this Court . . . vacate the hearing scheduled on Monday June 1, 2020 (Dkt. 106).” (ECF No. 109 at 6.) Bathaee Dunne LLP, Dovel & Luner, LLP, and Capshaw DeRieux LLP (“Plaintiffs’ Counsel”) oppose this request. Plaintiffs’ Counsel submit that at least the following material and/or unresolved issues should be addressed by Mr. Hecht in Monday’s hearing:

1. Mr. Hecht's Affiliation with Pierce Bainbridge

At the May 13, 2020 hearing, Mr. Hecht purported to speak on behalf of Pierce Bainbridge Beck Price & Hecht LLP ("Pierce Bainbridge")¹ and has continued to file documents with the Court with a Pierce Bainbridge signature block. Mr. Hecht, however, founded a new law firm, Hecht Partners LLP,² during the period between when he moved to withdraw from the case on April 15 and his purported appearance on May 13 on behalf of Pierce Bainbridge. Mr. Hecht should explain on the record (a) what his precise affiliation with Pierce Bainbridge is; and (b) who authorized his appearance on May 13 and his filings thereafter purportedly on behalf of Pierce Bainbridge.

2. The Supposed "Law Office Error"

Weeks (nearly a month) went by with the motion to withdraw pending, and both Hecht and Lorin, being members of this Court's bar, could have at any time before the hearing filed something informing the Court and the parties that they had changed their minds. They did not. Instead, they blamed, among other things, COVID and turmoil at Pierce Bainbridge for the failure to say anything from April 15th to May 13th:

We believe the motion was submitted in error by a lawyer at Pierce Bainbridge during the tumultuous and uncertain time at the firm and in the United States with COVID in April. The lawyer might have thought it was appropriate, but it was in fact filed in error. ***The motion was actually wrong as to, for example, representing that as of April 15th none of the withdrawing attorneys would remain with PB. Mr. [Andrew] Lorin and myself have not left PB.***

¹ References to Pierce Bainbridge throughout this submission are to the specific entity Pierce Bainbridge Beck Price & Hecht LLP.

² Mr. Hecht is currently registered with New York State as practicing at Hecht Partners LLP, with his contact information listed as dhecht@hechtpartners.com.

(Tr. 3:13-24 (emphasis added).) In May 22, 2020 and May 28, 2020 filings, Hecht described Pierce Bainbridge's withdrawal motion as "law office error." (ECF No. 103 at 1; ECF 109 at 4.)

These representations raise more questions than they answer. During that period of silence, Mr. Hecht formed his new law firm, Hecht Partners, which does not represent any plaintiffs in this case. And, from what is apparent from public dockets, Mr. Hecht was actively practicing law on behalf of clients at that firm. More notably, during the same period, Mr. Hecht and Mr. Lorin were both withdrawing from Pierce Bainbridge cases, telling federal judges throughout the country that they were leaving Pierce Bainbridge and could no longer represent those clients. For example:

- In an April 21, 2020 motion to withdraw submitted to Judge Shea of the United States District Court for the District of Connecticut, Mr. Hecht stated that he "is in the process of separating from Pierce Bainbridge Beck Price & Hecht LLP." (Bathae Decl. Ex. C at 1.)
- In May 4, 2020, letter briefs submitted to Judge Schofield of the United States District Court for the Southern District of New York (and in supporting declarations made under penalty of perjury) Mr. Hecht and Mr. Lorin each stated: "I am *leaving the law firm* of Pierce Bainbridge Beck Price & Hecht LLP and therefore will no longer be representing Plaintiff." (Bathae Decl. Exs. D, E, F, & G (emphasis added).)
- In a May 4, 2020, letter-motion submitted to Judge Brodie of the United States District Court for the Eastern District of New York (and in a supporting declaration made under penalty of perjury), Mr. Hecht stated: "I am *leaving the law firm* of Pierce Bainbridge Beck Price & Hecht LLP and therefore will no longer be representing Plaintiff." (Bathae Decl. Ex. H at 1; Bathae Decl. Ex. I at ¶ 3 (emphasis added).)

These statements to courts were made *after* Mr. Hecht and Mr. Lorin moved to withdraw from this case on April 15th. What sort of "office error" would account for (a) apparently deliberate and consistent representations to this Court and others (some under penalty of perjury) that both Hecht and Lorin were leaving Pierce Bainbridge and could no longer represent that firm's clients; and (b) that Mr. Hecht began working at his new law firm during that period?

3. Statements About Obtaining (or Nearly Obtaining) Financing for their Role in this Case

On May 13, 2020, Mr. Hecht stated to the Court that “just last night we secured an independent commitment of significant funds for this case” (5/13/2020 Tr. 4:22-25.) On May 28, 2020, Mr. Hecht specifically pointed to “the search for financing” and “a [secured] commitment for funding” as “information in PB’s peculiar knowledge and undisputed.” (ECF No. 109 at 3; *see also id.* at 2 (quoting 5/13/2020 Tr. at 4:22-25).) These representations raise at least the following questions:

- If in fact, Mr. Lorin and Mr. Hecht remain somehow affiliated with Pierce Bainbridge, how will this financing that they have supposedly obtained, or are in the process of obtaining, square with the approximately ***\$4 million confession of judgment against Pierce Bainbridge Beck Price & Hecht LLP*** that was filed last week in New York State Court? (Bathae Decl. Ex. A; Bathae Decl. Ex. B.)
- If the supposed financing is not for Pierce Bainbridge Beck Price & Hecht LLP, where is it going?

These are important questions raised by Mr. Hecht’s statements and filings—not because any of Plaintiffs’ Counsel need or want this financing, but because any financing Pierce Bainbridge obtains and uses for this case may in fact belong to that firm’s numerous creditors. Such financing could not therefore be deployed to represent the putative class while there is a heated dispute as to Pierce Bainbridge’s significant debts. Mr. Hecht should provide clarity on these questions at the hearing.

CONCLUSION

For at least the above reasons, Plaintiffs' Counsel respectfully submit that the June 1, 2020, hearing should remain on calendar and request that the Court, in addition to hearing from Mr. Williamson, specifically address the various questions raised above.

Dated: May 31, 2020

John Jeffrey Eichmann (CA 227472)
jeff@dovel.com
Gregory S. Dovel (CA 135387)
greg@dovel.com
Simon Franzini (CA 287631)
simon@dovel.com
Julien A. Adams (CA 156135)
julien@dovel.com
Jonas Jacobson (CA 269912)
jonas@dovel.com
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069

/s/ Yavar Bathaee
Yavar Bathaee (NY 4703443) (Lead Counsel)
yavar@bathaeedunne.com
Edward M. Grauman (TX 24081931)
egrauman@bathaeedunne.com
Andrew Wolinsky (NY 4892196)
awolinsky@bathaeedunne.com
BATHAEE DUNNE LLP
445 Park Avenue, 9th Floor
New York, NY 10022
Telephone: (212) 918-8188

Elizabeth L. DeRieux (TX 05770585)
ederieux@capshawlaw.com
S. Calvin Capshaw (TX 03783900)
ccapshaw@capshawlaw.com
CAPSHAW DERIEUX LLP
114 E. Commerce
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2020, a true and correct copy of the above was served via email through the Eastern District of Texas's CM/ECF system.

/s/ Yavar Bathaee
Yavar Bathaee